

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re	: Chapter 11
	:
DOWLING COLLEGE,	:
f/d/b/a DOWLING INSTITUTE,	: Case No. 16-75545 (REG)
f/d/b/a DOWLING COLLEGE ALUMNI	:
ASSOCIATION,	:
f/d/b/a CECOM,	:
a/k/a DOWLING COLLEGE, INC.,	:
	:
Debtor.	:
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**STIPULATION AND ORDER LIMITING
DISCLOSURE OF CONFIDENTIAL INFORMATION**

WHEREAS, on November 29, 2016 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York (the “Court”); and

WHEREAS, prior to the Petition Date, Healthplex, Inc. (“Healthplex”) provided claims administration service for dental claims for the Debtor’s former employees; and

WHEREAS, on January 20, 2017, the Debtor filed a motion for an order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, authorizing it to examine, among others, Healthplex [DE 179]; and

WHEREAS, on February 14, 2017, the Court entered an order (the “Order”) authorizing the Debtor to serve a subpoena (the “Subpoena”) upon Healthplex [DE 203]; and

WHEREAS, the Subpoena seeks disclosure of certain medical claims information for its former employees (“Patients”), and the Subpoena places at issue records that may contain certain confidential information prohibited from being disclosed under 42 CFR Part 2 (“Confidential Information”); and

WHEREAS, the Debtor has a legally recognized interest in disclosure of the Confidential Information; and

WHEREAS, the public interest and need for the disclosure of the Confidential Information to the Debtor, as limited by the Order and this Stipulation, outweighs any potential injury to the Patients, the physician-patient relationship and the treatment services.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. Disclosure of the Confidential Information to the Debtor shall be limited to those parts of the Patient's records that are essential to fulfill the objective of the Subpoena, including, but not limited to, items 1 through 18 set forth on **Exhibit A** attached hereto.

2. The Debtor shall take measures as are necessary to limit further disclosure of the Confidential Information for the protection of the Patients, the physician-patient relationship and the treatment services.

3. This Stipulation is without prejudice to the right of the Debtor to request additional documents from Healthplex, and without prejudice to Healthplex's right to oppose such a request.

4. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Any signature delivered by a party via telecopier transmission shall be deemed an original signature hereto.

[Signature Page Follows]

Dated: New York, New York
February 28, 2017

KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP

Dated: Uniondale, New York
February 28, 2017

HEALTHPLEX, INC.

By: /s/ Sean C. Southard

Sean C. Southard
Lauren C. Kiss
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*Counsel to the Debtor and Debtor in
Possession*

By: /s/ Sharon Zelkind

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President
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Healthplex, Inc.

“SO ORDERED”

KLESTADT WINTERS JURELLER

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Facsimile: (212) 972-2245

Sean C. Southard

Lauren C. Kiss

Counsel to the Debtor and Debtor-in-Possession

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ASSOCIATION,	:
f/d/b/a CECOM,	:
a/k/a DOWLING COLLEGE, INC.,	:
	:
Debtor.	:
-----X	

EXHIBIT A

1. Copy of Dowling_Denied_Claims_Jan2015-Aug2016 (Microsoft Excel)
2. Copy of Dowling_June1_2016_ActiveParticipants (Microsoft Excel)
3. Dowling College Renewal Letter 6 28 13 (Microsoft Word)
4. Healthplex.Dowling College 7.1.2006 (Adobe Acrobat)
5. Healthplex.Dowling College Ext. 7.1.2013 (Adobe Acrobat)
6. Healthplex.Dowling College Letter Termination 6.3.2016 (Adobe Acrobat)
7. Healthplex.Dowling College Letter Termination w.cc.6.3.2016 (Adobe Acrobat)
8. Dowling College Term Notice to Providers (Adobe Acrobat)
9. Dowling Copy of post service claims 1.1.15 – present (Microsoft Excel)
10. Pre-Note Check Register Not paid 4.25.16 (Adobe Acrobat)
11. Claim Utilization History not paid 4.25.16 (Adobe Acrobat)

12. Pre-Note Check Register Not paid 3.28.16 (Adobe Acrobat)
13. Claim Utilization History not paid 3.28.16 (Adobe Acrobat)
14. Claims Check register paid for by Dowling 3.30.16 (Adobe Acrobat)
15. Claim Utilization History 2.29.16 (Adobe Acrobat)
16. Email communication between Dowling and Hplex – Failure to fund weekly email 11.20.15 (Adobe Acrobat)
17. Email communication between Dowling and Hplex 1.26.16 – 2.2.16 (Adobe Acrobat)
18. Email communication between Dowling and Hplex 4.25.16 – 5.23.16 (Adobe Acrobat)